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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,009	02/04/2000	Janne Parantainen	944-003.3	9607

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EXAMINER

SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 10/22/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/499,009

Applicant(s)

PARANTAINEN ET AL.

Examiner

Chirag G Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 2/4/00 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claim 1-5 rejected under 35 U.S.C. 102(e) as being anticipated by Puuskari (WO 99/48310).

Referring to claim 1, Puuskari teaches of a mobile communication system having a packet data transmission capability based on a dynamic packet-based QoS mechanism provided by a more static PDP context. Puuskari further discloses on page 2, lines 25 to page 8, lines 13 of a method for transferring a data flow according to a multi-layer protocol including an application layer in which an application is executing, and a plurality of lower level layers (RLC and MAC), the method of transferring data flow by creating a physical connection on a packet radio service (page 8, lines 25 to page 9, lines 25) of a telecommunication system including a network and at least one mobile station (Figure 1 and 2), the physical connection for transferring data packets on a packet data channel (page 8, lines 12 to page 9, lines 18), wherein the data flow of said data packets comprises at least one active data transfer period (claims 1-11), characterized in that the physical connection must be set up and released by setup and release information that defines and signals the set up and release of the physical connection, and wherein (page 2, lines 17 to page 3, lines 14, pages 7, lines 29 to page 9, lines 9 and on page 13 lines 9-13) the set up and release of the physical connection is defined and signaled from the application executing in the application layer to a lower level layer of the multi-layer protocol so that the control events for setup and release of the physical connection are based upon requirements of the application that is executing in the application layer as claim.

Referring to claim 2, Puuskari discloses on page 13 lines 9-13 of method according to claim 1, characterized in that the lower level layer that receives said setup

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and release information from the application executing in the application layer is the radio link control/medium access control (RLC/MAC) layer as claim.

Referring to claim 3, Puuskari discloses on page 2, lines 17 to page 3, lines 14, pages 7, lines 29 to page 9, lines 9 and on page 13 lines 9-13 of the method according to claim 1, characterized in that the lower level layer that receives said setup and release information from the application executing in the application layer is the radio link control (RLC) layer as claim.

Referring to claim 4, Puuskari discloses on page 13 lines 9-13 of a method according to claim 1, characterized in that the lower level layer that receives said setup and release information from the application executing in the application layer is the medium access control (MAC) layer as claim.

Referring to claim 5, Puuskari discloses on page 8, lines 12 to page 9, lines 18 of a method according to claim 1, characterized in that the setup and release information is transferred on the packet data channel as claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8 rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Puuskari in view of Hjelm et al. (U.S. Patent No. 6,529,497).

Referring to claim 6, Puuskari disclose on page 2, lines 17 to page 3, lines 14, page 7, lines 29 to page 9, lines 9 and on page 13 lines 9-13 a method according to claim 1, characterized in that the method of transferring data flow requires generation of a packet data protocol (PDP) upon initiation of the application, wherein at least part of the context information is communicated to a radio link control/medium access control (RLC/MAC) layer through the protocol stack. Puuskari fails to explicitly disclose wherein the physical connection is not released during an inactive period if the application executing in the application layer is determined to be a specific traffic type application. Hjelm discloses in the abstract, and column 2, lines 40 to column 3, lines 11 and respective portions of the specification, that time is started where there is no more traffic outgoing on the channel and furthermore teaches that the channel remains activated with respect to the specialized telecommunication services (packet data transfers). As long as the timer (predetermined timed threshold) has not expired, the channel is available for packet data transfer, however, when the timer expires, the channel is released, where it is once again available for all traffic. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Puuskari to include the teachings of Hjelm in order to dynamically adjust or vary and control connection for packet data transfer based on traffic load type, thus reducing dropped packets.

Referring to claim 7, Puuskari discloses on page 8, lines 12 to page 9, lines 18 a method according to claim 6, characterized in that the data flow is arranged to consist of data blocks, and said setup and release information is transferred in a header of a data block as claim.

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Referring to claim 8, Puuskari discloses on page 12, lines 26 to pages 13, lines 22 of a method according to claim 7, characterized in that the radio service is GPRS and the header is a MAC header of an RLC block as claim.

Allowable Subject Matter

6. Claims 9-48 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639.

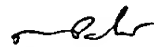
The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cgs

A handwritten signature in black ink, appearing to be "cgs", located in the lower right quadrant of the page.